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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,933	01/26/2004	Chih-Hung Su	ADTP0105USA	1932

27765 7590 03/06/2006

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EXAMINER

CANNING, ANTHONY J

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/707,933	SU ET AL.	
	Examiner	Art Unit	
	Anthony J. Canning	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement of Election

1. The election of claims 11-26 was entered on 3 November 2005.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 11 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claim 11, the recitation that "the passivation layer is made of a material including organic and inorganic contents varying in the thickness of the passivation layer" is unclear to the examiner. The examiner is unsure if the recitation means that there is a varying concentration of

the organic and inorganic materials throughout the passivation layer, or that there are regions of organic and regions of inorganic material and that the thickness of these regions is different.

6. In claim 17, the recitation that “the passivation layer is formed by supplying one or more source compounds of respective ratio varying in time” is unclear claim language.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 11-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Shi et al. (U.S. 5,811,177).

9. As to claim 11, Shi et al. disclose an organic light emitting display, comprising: a substrate (see Fig. 3, item 10; column 2, lines 38-41); an organic light emitting unit on the substrate (see Fig. 1, item 13; column 2, lines 45-49), and a passivation layer covering the organic light emitting unit (see Fig. 3, items 22, 24 and 26; column 3, lines 40-52), wherein the passivation layer is made of a material including organic and inorganic contents varying in the thickness of the passivation layer (see Fig. 3, items 22 and 26; column 3, lines 40-52; item 22 has the highest concentration of organic material and item 26 has the highest concentration of inorganic material).

10. As to claim 12, Shi et al. disclose the organic light emitting display of claim 11. Shi et al. disclose that the organic content is preponderant in a portion of the passivation layer adjacent to

the organic light-emitting unit (see Fig. 3, item 22; column 3, lines 40-52; item 22 is the closest layer of the passivation layer, 22, 24 and 26 to the organic emitting layer 12).

11. As to claim 13, Shi et al. disclose the organic light emitting display of claim 11. Shi et al. further disclose that the inorganic content is preponderant in a portion of the passivation layer not in contact with the organic light-emitting unit (see Fig. 1, item 13; see Fig. 3, item 26; column 3, lines 40-52).

12. As to claim 14, Shi et al. disclose the organic light emitting display of claim 11. Shi et al. further disclose a thickness of the passivation layer is in a range of about 500 to 5000 angstroms (column 3, lines 15-25; column 4, lines 1-5; adding the layer thickness is *about* 5000 angstroms).

13. As to claim 15, Shi et al. disclose the organic light emitting display of claim 11. Shi et al. further disclose that the passivation layer includes $\text{SiO}_x\text{C}_y\text{H}_z$, $\text{SiN}_x\text{C}_y\text{H}_z$, or $\text{SiO}_w\text{N}_x\text{C}_y\text{H}_z$ compounds (column 3, lines 54-63; SiO_2 falls within the claimed materials, since the subscribes can be any real number including zero; the examiner interprets y and z to be zero and x to be 2; therefore silica fits the material listed first).

14. As to claim 16, the organic light emitting display device of claim 11. Shi et al. further disclose that the passivation layer has light transmittance in a range of about 40 to 90% (column 3, line 15; parylene is a polymer with transmittance between 40 to 90%).

15. As to claims 17-26, claims 17-26 are product-by-process claims and are not given patentable weight by the examiner. A comparison of the recited process with the prior art processes does Not serve to resolve the issue concerning patentability of the product. *In re Fessman*, 489 F2d 742, 180 USPQ 324 (CCPA 1974). Whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by

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which it is made is patentable. *In re Klug*, 333 F2d 905, 142 USPQ 161 (CCPA 1964). In an ex parte case, product-by-process claims are not construed as being limited to the product formed by the specific process recited. *In re Hirao et al.*, 535 F2d 67, 190 USPQ 15, see footnote 3 (CCPA 1976).


Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Canning whose telephone number is (571)-272-2486. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh D. Patel can be reached on (571)-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony Canning 
27 February 2006


ASHOK PATEL
PRIMARY EXAMINER